J O S E P H L E P E

February 17, 2000

David O. Carson, General Counsel
Copyright GC/I&R
P.O. Box 70400
Southwest Station, Washington, DC 20024

CC: Steve Horn, 38th Congressional Distract of California

Dear Sir or Madam:

This letter is concerning the recent interpretations of the DMCA. The major question is should companies that do not like what an individual or group of individuals is doing to be able to file civil suit over an untested statute?

I would like to bring up the Fair Use policies within the original copyright act. "Fair Use" was clearly defined as either (1) getting oral or written permission to reproduce the copyrighted material from the author, and (2) to make archrival instances of digital data (including digital music and software that was recently added to the copyright act)

As we move more and more into a digitally dependent society, we must have these fair use provisions to be "carried" over from the copyright act to the DMCA. An example of fair use would include backing up all the data on a series of compact discs, or a digital versatile disc (DVD) for that matter.

If a group of people or a company decides to create software that happens to look or feel like another piece of software, the affected company is going to sue. We are living in an age of "Internet Time" where even a few months can hamper a company's ability to deliver product to the marketplace.

The current DMCA as it stands, does not have any real fair use policies and has been untested in the Supreme Court. If one company does not like the idea of individuals or small companies developing software to essentially provide computability across technology platforms, then we are counter-acting innovation and the idealism of a free market place.

Please take a closer look at Fair Use provisions to make sure the DMCA is just as flexible as the original copyright act. We are depending on the copyright office to make a decision based on the free market place.

Sincerely,

Joseph Lepe
Solutions Integrator

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